

Union Calendar No. 224

107TH CONGRESS
2^D SESSION

H. R. 3958

[Report No. 107-386]

To provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2002

Mr. HANSEN introduced the following bill; which was referred to the Committee on Resources

APRIL 9, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 13, 2002]

A BILL

To provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Bear River Migratory*
3 *Bird Refuge Settlement Act of 2002”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds the following:*

6 *(1) The Secretary of the Interior and the State*
7 *of Utah have negotiated a preliminary agreement*
8 *concerning the ownership of lands within the Bear*
9 *River Migratory Bird Refuge located in Bear River*
10 *Bay of the Great Salt Lake, Utah.*

11 *(2) The State is entitled to ownership of those*
12 *sovereign lands constituting the bed of the Great Salt*
13 *Lake, and, generally, the location of the sovereign*
14 *lands boundary was set by an official survey of the*
15 *Great Salt Lake meander line.*

16 *(3) The establishment of the Refuge in 1928*
17 *along the shore of the Great Salt Lake, and lack of*
18 *a meander line survey within the Refuge, has led to*
19 *uncertainty of ownership of some of those sovereign*
20 *lands.*

21 *(4) In order to settle the uncertainty concerning*
22 *the sovereign land boundary caused by the gap in the*
23 *surveyed Great Salt Lake meander line within the*
24 *Refuge, the Secretary and the State have agreed to the*
25 *establishment of a fixed sovereign land boundary*
26 *along the southern boundary of the Refuge and the*

1 *State has agreed to release any claim to the lake bed*
2 *above such boundary line.*

3 (5) *The Secretary and the State have expressed*
4 *their intentions to establish a mutually agreed upon*
5 *procedure to address the conflicting claims to owner-*
6 *ship of the lands and interests in land within the Ref-*
7 *uge.*

8 **SEC. 3. DEFINITIONS.**

9 *In this Act:*

10 (1) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of the Interior.*

12 (2) *REFUGE.*—*The term “Refuge” means the*
13 *Bear River Migratory Bird Refuge located in Bear*
14 *River Bay of the Great Salt Lake, Utah.*

15 (3) *AGREEMENT.*—*The term “agreement” means*
16 *the agreement to be signed by the Secretary and the*
17 *State to establish a mutually agreeable procedure for*
18 *addressing the conflicting claims to ownership of the*
19 *lands and interests in land within the Refuge.*

20 (4) *STATE.*—*The term “State” means the State*
21 *of Utah.*

1 **SEC. 4. REQUIRED TERMS OF LAND CLAIMS SETTLEMENT,**
2 **BEAR RIVER MIGRATORY BIRD REFUGE,**
3 **UTAH.**

4 (a) *SPECIFIC TERMS REQUIRED IN AGREEMENT.*—*The*
5 *Secretary shall not enter into an agreement with the State*
6 *for the quitclaim or other transfer of lands or interests in*
7 *lands within the Refuge unless the terms of the agreement*
8 *include each of the following provisions:*

9 (1) *Nothing in the agreement shall be construed*
10 *to impose upon the State or any of agency of the*
11 *State any obligation to convey to the United States*
12 *any interest in water owned or controlled by the*
13 *State, except upon appropriate terms and for ade-*
14 *quate consideration.*

15 (2) *Nothing in the agreement shall constitute ad-*
16 *mission or denial of the United States claim to a*
17 *Federal reserved water right.*

18 (3) *The State shall support the United States*
19 *application to add an enlarged Hyrum Reservoir, or*
20 *another storage facility, as an alternate place of stor-*
21 *age under the Refuge's existing 1000 cubic feet per*
22 *second State certified water right. Such support shall*
23 *be contingent upon demonstration by the United*
24 *States that no injury to water rights shall occur as*
25 *a result of the addition.*

1 (4) *Nothing in the agreement shall affect juris-*
2 *isdiction by the State or the United States Fish and*
3 *Wildlife Service over wildlife resources management,*
4 *including fishing, hunting and trapping, within the*
5 *Refuge.*

6 (5) *If the State elects to bring suit against the*
7 *United States challenging the validity of the deed*
8 *issued pursuant to the agreement, and if such suit is*
9 *successful in invalidating such deed, the State will—*

10 (A) *pay the United States for the fair mar-*
11 *ket value of all real property improvements on*
12 *the property at the time of invalidation, such as*
13 *dikes, water control structures and buildings;*

14 (B) *repay any amounts paid by the United*
15 *States because of ownership of the land by the*
16 *United States from the date of establishment of*
17 *the Refuge, such as payments in lieu of taxes;*
18 *and*

19 (C) *repay any amounts paid to the State*
20 *pursuant to the agreement.*

21 (6) *Subject to the availability of funds for this*
22 *purpose, the Secretary shall agree to pay \$15,000,000*
23 *to the State upon delivery by the State of a quitclaim*
24 *deed that meets all applicable standards of the De-*
25 *partment of Justice and covers all lands and interests*

1 *in lands claimed by the State within the Refuge. Such*
2 *payment shall be subject to the condition that the*
3 *State use the payment for the purposes, and in the*
4 *amounts, specified in subsections (b) and (c).*

5 **(b) WETLANDS AND WILDLIFE PROTECTION PRO-**
6 **GRAMS.—**

7 **(1) DEPOSIT.—***The State shall deposit*
8 *\$10,000,000 of the amount paid pursuant to the*
9 *agreement, as required by subsection (a)(6), in a re-*
10 *stricted account, known as the Wetlands and Habitat*
11 *Protection Account, to be used as provided in para-*
12 *graph (2).*

13 **(2) AUTHORIZED USES.—***The Executive Director*
14 *of the Utah Department of Natural Resources may*
15 *withdraw from the Wetlands and Habitat Protection*
16 *Account, on an annual basis, amounts equal to the*
17 *interest earned on the amount deposited under para-*
18 *graph (1) for the following purposes:*

19 **(A)** *Wetland or open space protection in*
20 *and near the Great Salt Lake.*

21 **(B)** *Enhancement and acquisition of wild-*
22 *life habitat in and near the Great Salt Lake.*

23 **(c) RECREATIONAL TRAILS AND STREAMS DEVELOP-**
24 **MENT AND EXPANSION.—***The Utah Department of Natural*
25 *Resources shall use \$5,000,000 of the amount paid pursuant*

1 *to the agreement, as required by subsection (a)(6), for the*
2 *following purposes:*

3 (1) *Development, improvement, and expansion of*
4 *motorized and non-motorized recreational trails on*
5 *public and private lands in the State, with priority*
6 *given to providing trail access to the Great Salt Lake*
7 *as part of the proposed Shoshone and Ogden-Weber*
8 *trail systems.*

9 (2) *Preservation, reclamation, enhancement, and*
10 *conservation of streams in the State.*

11 (d) *COORDINATION OF PROJECTS.—The Executive Di-*
12 *rector of the Utah Department of Natural Resources shall*
13 *seek to maximize the use of funds under subsections (b) and*
14 *(c) through coordination with nonprofit organizations, Fed-*
15 *eral agencies, other agencies of the State, and local govern-*
16 *ments, and shall give priority to those projects under such*
17 *subsections that include Federal, State, or private matching*
18 *funds.*

19 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
20 *authorized to be appropriated \$15,000,000 for the payment*
21 *required by subsection (a)(6) to be included as a term of*
22 *the agreement.*

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